IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3644 OF 1998

Malhari Namdeo Dhore ... Petitioner

Vs.

The State of Maharashtra and Ors. ... Respondents

Mr. V.P. Sawant for Petitioner.

Mr. A.P. Vanarse, A.G.P. for R.Nos. 1 to 4.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 23, 2005

P.C.

. For the view to be taken it is not necessary to set out the facts in detail. It is the case of the Petitioner that his land could not have been acquired. Apart from that it is pointed out that there was no urgency and as such Section 5A ought not to have been excluded.

. When the matter came up for admission, interim relief was granted in terms of Prayer Clause (h) which in fact had the effect of restraining respondents from taking possession of the petitioner's land which was the subject matter of notification dated 26.12.1997.

. Considering that long time has elapsed and the

contentions advanced by the petitioner, ends of justice will be met if the declaration in so far as Petitioner's land is concerned, is quashed and set aside and the matter is remanded back to the concerned Special Land Acquisition Officer, Jadhav wadi Project to hear the objections filed by the petitioner as to why his land should not be acquired and thereafter to pass appropriate orders. On behalf of the Petitioner, learned counsel makes a statement that they will not raise the objection that the declaration under Section 6 was not made within time limit or for that matter the award was not passed within the time as set out under Section 11A of he Land Acqusition Act. Statement accepted.

Petition disposed of in terms aforestated.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)